

FILED
DISTRICT COURT OF GUAM

JUL 24 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE
TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 1:98CR00028-001
Plaintiff,)	
)	
vs.)	SPECIAL REPORT
)	
MARK KELIIPUHMOKU KAE0,)	
Defendant.)	
_____)	

Re: Request to Remove Employment Special Condition and Modify Community Service Condition

On September 30, 1998, Mark Keliipuhimoku Kaeo was sentenced in the U.S. District Court of Guam for Attempted Importation of Methamphetamine, in violation of 21 U.S.C. §§ 952(a), 960, and 963. He was sentenced to 72 months imprisonment and a five year term of supervised release with the following special conditions: participate in a program approved by the U.S. Probation Office for treatment of narcotic addiction to drugs or alcohol dependency which will include testing for the detection of substance abuse or use; participate in a mental health program to address domestic violence and anger management; obtain and maintain gainful employment; perform 400 hours of community service; and pay a \$100 special assessment fee.

On August 30, 2002, Mark Kaeo commenced his term of supervised release in the District of Hawaii. On December 5, 2002, he was clinically discharged by Dr. Terence C. Wade, who had assessed and treated him for mental health, substance abuse, and anger management issues. On October 18, 2003, Mr. Kaeo completed the one-year federal drug aftercare program at Drug Addiction Services of Hawaii, Inc. In addition, from September 3, 2002 through April 16, 2004, he was subjected to numerous random drug tests for the detection of illegal narcotics, all of which resulted in negative findings. On November 2, 2002, Mr. Kaeo began performing his community service work as a maintenance assistant at a local beach park, and he has Mr. Kaeo also maintained full-time gainful employment from the time of his release.

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On May 4, 2004, Mark Kaeo was involved in a motor vehicle accident that left him in a coma for a number of weeks. When he finally regained consciousness, it was discovered that he had sustained significant injuries and was partially paralyzed. Mr. Kaeo commenced a course of physical therapy and continued medical evaluations.

In April 2005, Mark Kaeo attempted to continue his community service work. In addition, he made an effort to find gainful employment. Given his physical limitations, Mr. Kaeo experienced difficulty in both areas. On July 6, 2005, his primary care physician indicated that he was "unable to do any function involving both hands" and "should avoid any function where he needs to walk or balance himself for any period of time." There was no indication in the letter that his condition was permanent. In addition, Mr. Kaeo indicated that he was continuing to participate in physical therapy to increase his mobility and functioning capacity. On July 11, 2005, Mr. Kaeo was terminated from further community service assignments due to his physical limitations and the resulting liability issues that were implicated by those limitations. At the time of his termination, Mr. Kaeo had completed 208 hours of community service and had a balance of 192 hours remaining.

On May 20, 2006, Mr. Kaeo's primary care physician indicated that he continues to suffer from "significant residual deficits" as a result of the motor vehicle accident. The physician also stated that Mr. Kaeo "continues to have hemiplegia of the right side of his body and have problems with gait and ambulation." The physician concluded that Mr. Kaeo's condition "is stable at this time and not expected to show significant improvement."

Given the permanent nature of Mr. Kaeo's physical limitations, it is recommended that the Court modify the special conditions of this case as follows:

1. The condition requiring the defendant to obtain and maintain gainful employment is hereby suspended; and
2. The original 400-hour community service order is hereby reduced to 208 hours, which has already been completed by the defendant.

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Mr. Kaeo remains compliant with all other conditions imposed by the Court. He supports himself with disability payments and is currently enrolled in a course of study at a local community college, as he plans to become a Certified Substance Abuse Counselor. His course of study is funded by financial assistance that he receives from the State of Hawaii Department of Vocational Rehabilitation.


RESPECTFULLY submitted this 19th day of July 2006.

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


ROBERT I. CARREON
U.S. Probation Officer

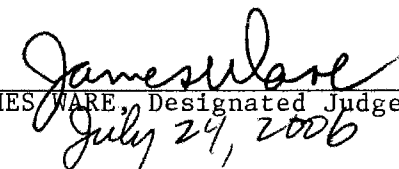
Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: U.S. Probation Office, District of Hawaii
File

THE COURT ORDERS:

- ☒ Judgment to be amended to reflect request
☐ No action
☐ Other


JAMES WARE, Designated Judge
July 24, 2006

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